



Paper No. 11

MAR 4 2003

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In re Application of
Chang, *et al.*
Application No.: 09/266,834
Filed: March 12, 1999
Docket No.: ADI-039

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision in on the petition, filed August 21, 2002, to withdraw the holding of abandonment for the above identified application. No fee is required.

The petition is granted.

The application was held abandoned for failure to timely reply to the Office action mailed December 30, 1999. A Notice of Abandonment was mailed on July 28, 2000.

The petitioner asserts that the Office communications were not received by the practitioner and a search of the file and docket records indicate that the Office communication was not received. To support this assertion, the petitioner has provided a copy of the docket records where the non-received Office action would have been entered had it been received.

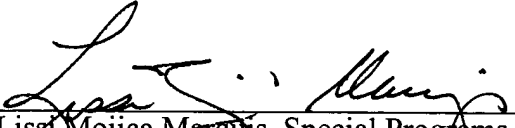
A review of the application file record reveals that Office action of December 30, 1999 and the Notice of Abandonment were mailed to an incorrect address. Accordingly, vacating the Notice of Abandonment and remailing the Office action is appropriate.

In view of the above, Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The instant petition is accompanied by a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period between the mail date of the notice of abandonment and the filing date of this petition to withdraw the holding of abandonment. A terminal disclaimer may be accepted for a petition that was not filed within two months from the action complained of. In the instant case, the Office communications were not received by the applicant because they were mailed to an incorrect address, as such petitioner was not aware that the application was abandoned until August 07, 2002. This petition was filed on August 21, 2002. In view of the above, the terminal disclaimer is deemed unwarranted and therefore will not be accepted.

The application file is being forwarded to the Technology Center 2800 support staff for remailing the Office action of December 30, 1999. The shortened statutory period for response set therein will be reset to run three months from the date the Office action is remailed. Extensions of time are governed by 37 C.F.R. 1.136(a).

Inquiries related to this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



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